

Senate Bill 357

By: Senators Unterman of the 45th, Staton of the 18th, Cowser of the 46th, Harp of the 29th and Schaefer of the 50th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 6 of Title 3 of the Official Code of Georgia, relating to wine, so as to provide for direct shipping; to amend certain provisions relating to shipping licenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 6 of Title 3 of the Official Code of Georgia, relating to wine, is amended by revising Code Section 3-6-31, relating to special order shipping license requirements and regulations, as follows:

"3-6-31.

(a) Notwithstanding any other provision of this title to the contrary, a shipper, without complying with the provisions of Code Section 3-6-22, may be authorized to make direct shipments of wine to consumers in this state upon obtaining a special order shipping license from the commissioner.

(b) A special order shipping license shall only be issued to a ~~person~~ shipper who holds a valid federal basic wine manufacturing permit and who is not otherwise licensed under this title, upon compliance with all applicable provisions of this title and the regulations promulgated pursuant to this title, and upon payment of the license fee designated for retail dealers in Code Section 3-6-20.

(c) A special order shipping license shall entitle the shipper to ship wine upon order directly to consumers for personal or household use in this state without designating wholesalers as required by Code Section 3-6-22, provided that:

(1) The holder of a special order shipping license shall only ship brands of wine for which he or she has submitted labels to the commissioner;

(2) No holder of a special order shipping license shall be permitted to ship in excess of 50 cases of wine of one brand or a combination of brands into this state or in excess of

1 five cases of wine of one brand or a combination of brands to any one consumer or
2 address per calendar year;

3 (3) Before accepting an order from a consumer in this state, the holder of a special order
4 shipping license shall require that the person placing the order state affirmatively that he
5 or she is of the age required by Code Section 3-3-23 and shall verify the age of such
6 person placing the order either by the physical examination of an approved government
7 issued form of identification or by utilizing an Internet based age and identification
8 verification service approved by the commissioner;

9 (4) No holder of a special order shipping license shall accept any order for any wine that
10 is otherwise registered and designated pursuant to this title or from a person who is
11 licensed under this title; and

12 (5) Every shipment of wine by the holder of a special order shipping license shall be
13 clearly marked 'Alcoholic Beverages, Adult Signature Required,' and the carrier
14 delivering such shipment shall obtain the signature of an adult as a condition of delivery.

15 (d) The failure to comply strictly with the requirements of this Code section, Code Section
16 3-3-23, and all applicable provisions of this title and regulations promulgated pursuant to
17 this title shall be grounds for the revocation of a special order shipping license or other
18 disciplinary action by the commissioner. Upon revocation of a special order shipping
19 license for shipment of wine to a person not of age as required by Code Section 3-3-23,
20 such ~~person~~ shipper shall not be issued any license pursuant to this Code section for a
21 period of five years from the date of revocation.

22 (e) The holder of a special order shipping license shall collect all excise taxes imposed by
23 Code Section 3-6-50, shall remit such taxes in the same manner as licensed wine
24 wholesalers, and shall accompany such remittance with such reports, documentation, and
25 other information as may be required by the commissioner. In addition, an applicant for
26 and a holder of a special order shipping license, as a condition of receiving and holding a
27 valid license, shall:

28 (1) Agree to collect and pay applicable Georgia state and local sales tax on any sale
29 shipped to a consumer in Georgia;

30 (2) Accompany each remittance with such sales tax report, documentation, and other
31 information as may be required by the commissioner; and

32 (3) Consent to enforcement of the provisions of this Code section by the Department of
33 Revenue and to the jurisdiction of the courts of Georgia for the collection of taxes or
34 other monies owing, including interest and penalties.

35 (f) The commissioner may promulgate such rules and regulations as are necessary and
36 appropriate for the enforcement of this Code section."

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- SECTION 2.
- All laws and parts of laws in conflict with this Act are repealed.